

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
June 9, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Alderman Boulton moved to approve the May 26, 2015 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO APPROVE A LIQUOR LICENSE FOR B.O.S.S. EAT, LLC (DBA BARRISTER'S) AT 7923 FORSYTH BOULEVARD

City Manager Owens reported that B.O.S.S. Eat, LLC (dba Barrister's) is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7923 Forsyth Boulevard. The restaurant is under new ownership. The current business, Barrister's has a liquor license, but it cannot be transferred to the new owners.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Christy Bocktner, owner, stated that they are purchasing the current restaurant and will keep the current menu along with possibly bringing back some fan favorites.

Alderman Garnholz moved to approve a liquor license for B.O.S.S. Eat, LLC. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE
RELATED TO ON-STREET PARKING IN THE MOORLANDS SUBDIVISION

Mayor Sanger gave a very brief summary, stating that the Board voted to table Bill No. 6498 during the May 26 meeting in order to hear all citizens concerns and comments. He stated that the Board received approximately 132 emails to which each and every email was personally responded to by the aldermen and himself. He recapped all of the citizens' reasons for being in favor and/or against the parking restrictions and welcomed anyone in the audience to address the Board with any new information that they wanted to share.

Allen Krause, 7516 York, owns a two unit condominium, addressed the Board requesting that all residents are treated equally.

Margaret Welch, 7525 Buckingham, resides in an 18-unit condominium, addressed the Board with her concerns that the City is not currently enforcing parking rules.

Todd Haby, representing KLMR Properties, addressed the Board stating that Bill No. 6498 is unconstitutional which prevents the City from enforcing parking restrictions on City streets.

Nick Akers, addressed the Board with regard to safety concerns, pointing out that the majority of the 7500 block neighbors are good neighbors.

Lawrence Miller, Wellington Way, addressed the Board with his concerns for his disabled wife who has trouble walking a distance due to lack of parking.

Ted Wickenhauser, addressed the Board with his concerns regarding zoning and parking restrictions and the failure to accommodate adequate parking in the 7500 blocks.

CHS Student, addressed the Board with his concerns on how his teenage friend was treated during the May 26th Board meeting and expressed his opposition to the parking restrictions.

Annalise, resident, addressed the Board offering suggestions for a rotating parking plan for residents.

Joe Watka, resident, addressed the Board requesting that proper notification is sent to property owners on any proposed changes to the parking.

Margie Kenard, resident, addressed the Board stating that there has been parking issues since she has lived in Clayton from 1967 to currently.

Mary Ellen, addressed the Board stating that there has always been parking issues for everyone due to the desire to live closer to schools and those families (with kids) that rent should not feel any "lessor" for being an "apartment" kid.

Ellen Reid, 6451 Clayton Road, a business owner-investor, addressed the Board suggesting that the City take a holistic approach and look at the benefits versus the costs of implementing parking restrictions.

Shelly Evanelou, 715 Westwood Drive, urged the Board to vote in favor of the Public Works' staff recommendation.

Phil Ebeling, 7506 Byron Place, addressed the Board with regard to the importance of property maintenance.

Debbie Salvaday, resident, inquired about the parking restrictions on Cromwell and requested that the City stop the "divide" of neighborhoods.

Eric Ralph, resident, addressed the Board with his concerns that he is not clear on the City's overall approach. He asks that the Board find a solution and do not vote.

Alderman Boulton commended everyone in attendance and urged the citizens to create a neighborhood association to help address these types of issues.

City Manager reported that late last year, the City received a request from residents in the 7400 blocks of several streets in the Moorlands to initiate tighter on-street parking restrictions for parkers that do not reside in or are not visiting residents in the 7400 blocks. In response, the Public Works Department surveyed the residents in the 7400 blocks of the Moorlands to determine the level of desire for tighter restrictions. Based on those results, on-street parking was restricted to residential parking only from 10pm – 6am beginning the first week of January on a trial basis.

At the end of the trial period, the Public Works Department again surveyed the residents in the 7400 blocks of the Moorlands as to whether or not the temporary on-street parking restrictions should be made permanent. Support for making the temporary restrictions permanent was sporadic. In addition, residents who reside in the 7500 blocks have voiced opposition to the proposed restrictions citing limited parking capacity in the 7500 blocks to accommodate demand. Based on this conglomeration of residential input, the Public Works Department recommended the Board of Aldermen not adopt the trial parking restrictions as permanent restrictions.

Bill # 6498 was introduced and public comment was taken at the meeting on May 26, 2015.

During the Public Works study of parking capacity, residents in the 7400 blocks cited concerns regarding safety; specifically the ability of fire apparatus to respond to emergencies unimpeded by on-street parking. Hence, the Fire Department reviewed the widths of streets in the Moorlands for compliance with the ICC Fire Prevention Code 2009 Edition, Sec. 503.2.1, as Adopted by Sec. 205.070 of the Clayton City Code. This section of the International Fire Code (IFC) requires that Fire Apparatus Roads shall have an unobstructed width of not less than 20 feet. Based upon this review, the Fire Department determined that on-street parking that conflict with this section of the IFC could hinder passage of emergency vehicles. To provide the appropriate unobstructed pavement width, the fire department will be implementing fire lane restrictions to limit parking to one side of the street per the authority granted to the Chief of the Fire Department in Section 305.030.A of the City Code for all streets in the 7400 block, between Glenridge Avenue and Audubon Drive as well as Audubon Drive from Wydown Boulevard to Clayton Road.

Prior to the development of the IFC in 2000, "fire lane" widths were not regulated. Neighborhoods that were developed 50 plus years prior to this requirement are challenged to meet this requirement and maintain the on-street parking that the residents have become accustomed to. To meet the intent of the IFC and minimize the impact to on-street parking throughout the City, the Fire Department has recommended consideration of a reduction in the Fire Apparatus Road width to 17 feet of unobstructed pavement. Using 7 feet for the width of an on-street parking space, street widths between 24 feet and 31 feet would allow for on-street parking on one side and street widths 31 feet or greater would allow for on-street parking on both sides of the street.

These No Parking restrictions have the potential to address some of the residential concerns voiced at the Board of Aldermen Meeting on 5/26/2015 regarding congestion, narrow drive lanes and space to maneuver in and out of driveways. Public Works and the Fire Department will work with area property owners including Glenridge School to best determine issues such as side of street and impacts to the school before implementing restrictions.

Based on the change to the fire lane restrictions that will be implemented, staff recommends Bill No. 6498 be withdrawn from consideration, allow the fire lane restrictions to be implemented, and no additional zoned parking restrictions be implemented at this time.

Alderman Garnholz welcomed and thanked everyone for coming tonight and addressing the Board with their comments and concerns. She said that the Board received approximately 150 emails. In following-up on Alderman Boulton's comment, she stressed that it is important to share with their neighbors and urged the citizens to get together and create a neighborhood association. She offered her help to any citizens that come forward to volunteer.

Alderman Garnholz moved to withdraw Bill No. 6498 from Board consideration. Alderman Winings seconded.

Mayor Sanger noted that the parking restrictions trial period has ended and the next steps is for the Fire Department study.

The motion passed unanimously on a voice vote.

Mayor Sanger offered the following suggestions to property owners and residents: 1) fix up the multi-unit property garages and fill them their tenant's vehicles; 2) 7500 block residents to be respectful and only use the 7400 blocks to park as a last resort; and 3) all citizens to be respectful by not taking advantage of long-term parking.

In following-up on Alderman Garnholz and Boulton's suggestion, Mayor Sanger added that he would like to see more involvement by the neighbors in creating a neighborhood association. He noted that this group can take advantage of the members of the Mayor's Youth Advisory Council for help in creating a neighborhood website. Mayor Sanger volunteered the Ward 2 Aldermen Garnholz and Berkowitz to help put the association together.

In closing Mayor Sanger commented that the Board abhors neighbor versus neighbor conflict.

8:04 p.m. Mayor Sanger called for a five minute recess.

The Board of Aldermen meeting resumed at 8:09 p.m. **Alderman Winings recused himself from the meeting.**

Mayor Sanger opened the public hearing and requested proof of publication.

**ORDINANCES TO CONSIDER APPROVING REZONINGS AND A PLANNED UNIT DEVELOPMENT
OPUS DEVELOPMENT - 25 AND 111 NORTH CENTRAL AVENUE**

City Manager Owens reported that this is a public hearing to solicit input regarding the following items:

- 1) The proposed rezoning of property located at 25 North Central Avenue from HDC High Density Commercial District and CBD Core Overlay District to a Planned Unit Development (PUD) District;
- 2) To consider the terms and conditions of the PUD if the property is rezoned; and
- 3) The proposed rezoning of property located at 111 North Central Avenue from R-3 One & Two Family Dwelling District to C-2 General Commercial District.

These rezonings and PUD are at the request of Opus Development Company, LLC, developer/owner under contract, to allow the construction of a mixed-use development at 25 North Central Avenue and a 30-space surface parking lot at 111 North Central Avenue. This project also requires approval of a Subdivision Plat.

Planned Unit Developments are a distinct zoning district and therefore, an application to rezone 25 North Central Avenue from HDC High Density Commercial District and the CBD Core Overlay District to a Planned Unit Development District (PUD) was filed by the applicant.

Parking lots and parking structures are not permitted uses in the R-3 zoning district and therefore, the applicant requests to rezone 111 North Central Avenue to C-2 General Commercial District.

The proposed project consists of the demolition of the existing structures at 25 North Central Avenue and the construction of a 123,806-square-foot, 6-story (+/- 69 feet) building located on top of a 2 level below grade parking structure. The building will contain 13,297 square feet of ground floor retail, 121 residential units (9 studio units, 30 alcove units, 38 one-bedroom units, 43 two-bedroom units, and 1 guest suite), and 145 parking spaces. The existing parking structure at 111 North Central Avenue will be demolished and replaced with a 30-space surface parking lot.

One access point is proposed along the southern alley to serve the below grade parking structure, visitor parking lot, and loading/service spaces. City streetscape will be installed along the project limits on Maryland Avenue and South Central Avenue. To accommodate the streetscape along Maryland Avenue, the applicant proposes the removal of three on-street parking spaces. This project will implement the first phase of a "road diet" on North Central Avenue between Maryland Avenue and Bonhomme Avenue. The road will be reduced from two lanes in each direction to one lane in each direction and a center turn lane will be installed. The cost of streetscape at 111 North Central Avenue will be escrowed and installed at a later date.

PLANNED UNIT DEVELOPMENT (25 NORTH CENTRAL AVENUE)

The following table summarizes the applicable zoning requirements and whether the proposed development complies with each standard. The PUD process gives the Board of Aldermen the authority to approve waivers from specific zoning requirements in exchange for public benefits. Once approved, the PUD becomes the specific zoning regulations governing the use and development of the property at 25 North Central Avenue.

Development Standard	Requirement	Proposed	Waiver Required
Floor Area Ratio (FAR)	1.5 (maximum)	3.88	Yes
Setback (Front)	None	0' (Maryland & N. Central Avenues)	No
Setback (Side)	None	2-10'	No
Setback (Rear)	15' (minimum)	0-10'	No
Height	4 Stories or 45' (maximum)	6 stories (+/- 69')	Yes
Building Stepback	15' stepback (upper story building setback), beginning at the 3 rd story, along all building elevations with street frontage, except alleys.	14-17.5' stepback at the 2 nd story for 60' (30%) of the North Central Avenue frontage. No stepback provided on Maryland Avenue.	Yes
Unit size	750 sq.ft. (minimum)	65 units (54%) are less than 750 sq.ft.	Yes
Ground Floor Uses	Retail, personal care, or similar	Retail	No
Parking (Automobile)	287 spaces (minimum)	175 spaces (145 at 25 N. Central, 30 at 111 N. Central)	Yes
Parking (Bicycle)	9 racks (minimum)	9 racks	No

The purpose of the PUD process is to foster appropriate use of existing buildings and enable compatible redevelopment which provides public benefits (as itemized in Section 405.1380), and achieve the following objectives:

- 1) Creation of a more desirable environment than would be possible through strict application of other City land use regulations;
- 2) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- 3) Combination and coordination of architectural styles, building forms and building relationships;
- 4) Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
- 5) Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
- 6) Use of design, landscape or architectural features to create a pleasing environment;
- 7) Inclusion of special features;
- 8) Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and
- 9) Facilitate implementation of the recommendations of the business district's master plan.

According to the applicant, the following public benefits are being provided:

- With the installation of streetscape along North Central and Maryland Avenues, there will be a net gain in the number of street trees. Additionally, an approximately 3,800 square foot green roof is proposed at the rear of the building.
- The entrance to the parking structure is located off the alley and not visible from the public right-of-way.
- The building sits between the taller buildings to the west, the mid-rise buildings along North Central Avenue, and the residential neighborhood to the north. As a transitional building, it displays significant mass at the corner of North Central and Maryland, defining the street edge and covering the existing parking to the west.
- The elevations are articulated by interior balconies that break the mass down into residential scaled volumes, with proportions and openings that relate to historic and residential buildings in the context. According to the applicant, "the aesthetic is timeless, with unique and exciting elements, yet restrained and respectful of context."
- The use of brick on the North Central and Maryland Avenue elevations acknowledge the history of the heart of downtown, while the modern detailing and use of complementary materials make for an attractive, well-appointed contemporary building. The extensive use of glass makes the building open and inviting, provides more "eyes on the street", and will enhance the visible activity level of the neighborhood.
- Overhead utilities will be relocated underground.
- The alley will be widened 4 feet in conformance with city standards. City standard streetscape will be installed along the project limits on Maryland and North Central Avenues. The cost for streetscape at 111 North Central Avenue will be escrowed for future development.
- Approximately 30 percent of residences are reduced in size (475 to 650 square feet) to offer lower monthly rent options. Although not considered "affordable housing", it is an attempt to offer product at the lower end of market rents.
- Sustainable building design and construction including, but not limited to sustainable site development, green roofs, water savings, energy efficiency, materials selection and indoor environmental quality.
- Secure and tempered residential parking, bike storage, and residential storage will be located beneath the building. The public bicycle racks are located on the sidewalk on North Central Avenue. An additional six bicycle racks are located in the parking structure for residents use.
- The property is located three blocks from the Metro transit center and Metrolink station.

Traffic:

One access point is proposed along the southern alley to serve the below grade parking structure, visitor parking lot, and loading/service spaces.

The City's contracted traffic engineer analyzed the potential traffic impacts of the proposed development and the adjacent intersections. According to the traffic study, the surrounding intersections currently operate at acceptable levels of service during morning and afternoon peak hours. The project is expected to generate 85 new vehicular trips during the a.m. peak hour and 160 new vehicular trips during the p.m. peak hour. The traffic study took into consideration the proposed "road diet" which will reduce North Central Avenue from two lanes in each direction to one lane in each direction and a center turn lane between Maryland Avenue and Bonhomme Avenue. The study finds that acceptable levels of service can be maintained at the surrounding intersections after the project is developed without additional road improvements. The layout of the parking structure meets the City's requirements for circulation and access. One loading space for the building will be located off the rear alley in accordance with the city's loading space requirements.

Vehicular parking:

The City's parking regulations require 287 off-street parking spaces for the proposed project and the applicant proposes 175 parking spaces; 145 parking spaces will be located in the below grade parking structure at 25 North Central (including 8 visitor parking spaces) and 30 parking spaces on a new surface parking lot at 111 North Central Avenue. According to the applicant, up to 35 percent of the total parking spaces at both sites may be reserved, including ADA spaces. A reduction in the amount of required parking spaces can be approved through the PUD process. The City's contracted traffic engineer conducted a parking study based on field data and standard parking models. The parking study estimates that the 175 parking spaces proposed by the development is sufficient to meet the needs of the project as long as the number of reserved spaces (including ADA) does not exceed 35 percent of the total number of parking spaces.

To accommodate new streetscape along Maryland Avenue, the applicant proposes the removal of three on-street parking spaces. Removal of the parking spaces will result in loss of revenue to the city, and the development will increase the demand for on street parking in this area. For these reasons, the Public Works Department does not support the removal of the on street parking spaces. The Board of Aldermen has ultimate authority regarding the preservation or elimination of on-street parking spaces.

Bicycle parking:

Based on the City's Bicycle Parking Regulations the proposed development is required to provide nine bicycle racks. The applicant proposes to install six bicycle racks in a secure room in the parking structure. Three additional bicycle racks will be located on the public sidewalk along North Central Avenue. The proposed bicycle racks are in conformance with the City's Bicycle Parking Regulations.

The site is located in the North Central District as identified in the Downtown Master Plan. The vision of the district is to "grow at a human scale along key pedestrian streets, with fine-grained development, active streets and walkable commercial areas." North Central Avenue is identified in the plan as a pedestrian priority corridor. The proposed development will be appropriately scaled, urban in character, will maintain a consistent street wall along the majority of its street frontage, and will have pedestrian oriented storefront architecture. The proposed uses and design will increase residential density, pedestrian activity, and will contribute positively to downtown as a whole.

The Plan Commission considered these requests at their meeting of May 4, 2015, and voted to recommend approval per the conditions as follows:

Rezoning of 111 North Central Avenue from R-2 to C-2:

1. That this rezoning request be contingent upon approval of the Planned Unit Development by the Board of Aldermen. If approval of the Planned Unit Development expires, becomes invalid or the project is not constructed, the subject properties will revert back to R-3 "One and Two Family Dwelling District".
2. That the rezoning only becomes effective if the existing parking structure is removed.

Rezoning of 25 North Central Avenue from HDC High Density Commercial District and the CBD Core Overlay District to a Planned Unit Development District (PUD):

1. That no more than 35 percent of the 175 parking spaces may be reserved, including ADA spaces.
2. That the approved development plan and Planned Unit Development Ordinance be recorded with St. Louis County and proof of recording be submitted to the City prior to the issuance of a Building Permit

The Plan Commission did not support staff's recommendation to retain the three on-street parking spaces on Maryland Avenue.

The architectural elements of the project were considered and approved by the Architectural Review Board at their meeting of May 4, 2015.

Recommendation is to approve the rezonings as submitted, and to approve the Planned Unit Development Ordinance with the following condition:

That the plans be revised to show the preservation of the three existing on-street parking spaces and the installation of city standard streetscape along Maryland Avenue.

A PUBLIC HEARING AND ORDINANCE TO CONSIDER A SUBDIVISION PLAT 25 NORTH CENTRAL AVENUE

City Manager Owens reported that on February 3, 2015, the City of Clayton received an application, plat and supporting documents from Joe Downs, Partner, Opus Development Company, LLC, developer/owner under contract, of 25 North Central Avenue, for a subdivision plat in support of the development of a new mixed-use project.

The proposed project consists of the demolition of the existing structures at 25 North Central Avenue, and the construction of a 123,806-square-foot, 6-story (+/- 69 feet) building located on top of a 2 level below grade parking structure. The building will contain 13,297 square feet of ground floor retail, 121 residential units (9 studio units, 30 alcove units, 38 one-bedroom units, 43 two-bedroom units, and 1 guest suite), and 145 parking spaces. A 30 space surface parking lot at 111 North Central Avenue is also proposed as part of the project.

The proposed plat will consolidate five existing lots (Lots 10-12 and parts of Lots 13 & 14, Block 5 in the Town (now City) of Clayton) that have historically been under common ownership and addressed as 25 North Central Avenue. The plat also provides for an 800 square foot right-of-way dedication to the City along the southern alley to allow it to be widened to meet city standards. The consolidated lot will measure 31,942 square feet.

The Plan Commission reconsidered this request at its May 4, 2015 meeting and voted unanimously to recommend approval.

Recommendation is if the Board of Aldermen approves the Planned Unit Development as proposed, staff recommends approval of the plat as presented.

If the Board of Aldermen approves the Planned Unit Development with the condition that the three existing on-street parking spaces on Maryland Avenue be preserved, staff recommends that action on the plat be delayed until a revised plat can be prepared to show a right-of-way dedication or easement along Maryland Avenue to accommodate the new streetscape.

AN ORDINANCE TO CONSIDER A REQUEST ESTABLISHING THE 25 NORTH CENTRAL COMMUNITY IMPROVEMENT DISTRICT, DECLARING PROPERTY WITHIN THE DISTRICT AS BLIGHTED AND APPROVING A DEVELOPMENT AGREEMENT

City Manager Owens reported that Opus Development Company, L.L.C. (the "Developer") intends to redevelop the property located at 25 North Central Avenue into a mixed-use project consisting of approximately 121

market-rate apartments on levels 2 through 6 with an amenities area and a residential guest suite on level 2, restaurant, retail and/or service uses totaling approximately 13,297 square feet on level 1, and surface and structured parking to be located on two levels below grade and totaling approximately 145 parking stalls. The Developer also intends to acquire the property located at 111 North Central Avenue, demolish and remove the existing improvements thereon, and construct a surface parking lot consisting of approximately 30 parking stalls. To assist in financing this redevelopment, the Developer has petitioned the City to create a Community Improvement District (the "CID") on the retail/apartment site pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo. (the "CID Act"). The CID will impose an additional 1% sales tax on restaurant and other retail sales. The Developer has also requested that the City contribute an amount equal to 50% of the sales tax revenues generated from taxable sales in the CID and actually received by the City from its 2.5% cumulative sales tax. The CID will use the sales tax revenues to pay for certain eligible project costs. The attached ordinance:

- Approves the petition to establish the CID;
- Appoints a Board of Directors for the CID;
- Declares the property within the CID to be blighted pursuant to the CID Act;
- Directs the City Clerk to notify the Department of Economic Development that the CID has been established (as required by the CID Act); and
- Approves a Development Agreement among the City, the Developer and the CID.

The petition to establish the CID defines the basic scope of the CID, including its boundaries and its ability to seek voter approval of the aforementioned CID sales tax and special assessment (in this case, the CID Act provides that the only qualified voter to vote on these matters is the sole property owner within the CID, which is currently 25 NC, LLC). If the attached ordinance is passed, the CID will be established as a separate political subdivision and will be a separate legal entity from the City.

The CID will be governed by a five-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the Developer will be the sole property owner (after it acquires the property from 25 NC, LLC) within the CID and has designated the five persons named in the attached ordinance to be considered for appointment to the board of directors.

The blight finding is supported by a study prepared by the Developer's consultant, Development Dynamics. The City's attorneys have reviewed this study and believe that it presents sufficient evidence for the Board of Aldermen to make a blight finding. Pursuant to the CID Act, the blight finding will give the CID certain additional powers, including the ability to reimburse the Developer for costs associated with demolition of the existing buildings on the site. Without the blight finding, the CID would only be allowed to finance public improvements, such as streets and sidewalks.

The CID Act requires the City Clerk to report the creation of the CID to the Department of Economic Development. The attached ordinance will authorize the City Clerk to make such notification.

The Redevelopment Agreement covers the following key business terms:

- The CID will reimburse the Developer for up to \$1,500,000 of eligible project costs.
- The reimbursement will be structured in the form of a CID Note issued by the CID to the Developer. The revenues from the CID sales tax and the City sales taxes will be used to pay the principal of and interest on the CID Note as such revenues are generated. The term of the CID Note will be 20 years from the date of its issuance.
- The CID will terminate after the CID Note (and any bonds issued to refinance the CID Note) are paid off, but in no event later than 20 years after the initial issuance of the CID Note.
- The City will purchase the parking lot from the Developer for an amount not to exceed \$900,000. The Development Agreement gives the Developer the right to purchase a license for exclusive use of up to 30 parking stalls within the parking lot at the prevailing market rate for monthly users.
- The Developer will cover the City's costs associated with establishing the CID and negotiating the Development Agreement.
- The Developer will provide a broad indemnification of the City.

Recommendation is to approve the ordinance.

Joe Downs and Ernesto Garcia, Opus Group, 7733 Forsyth, provide a PowerPoint presentation to the Board and provided an overall summary on the project.

In response to the Board's questions, Mr. Downs responded with the following statements:

Artistic bike racks – they will be happy to accommodate and provide artistic bike racks;

Environmental/sustainable certifications – they have done many LEED certified projects, but unfortunately is not seeking certification on this project due to the costs outweighing the benefits, but they will be incorporating environmentally friendly elements;

Alley – City-owned, but will dedicate. The alley will be expanded from its current size of 20' to 24';

Recycling – the property will provide a dedicated area for recycling and also pick-up outside of each apartment for recycling;

Doorman – the property will have a concierge on staff;

Parking lot – located at 111 N. Central, portion of parking will be reserved and they will look into spaces available for retail customers.

Ernest Maddox, 134 N. Central Avenue, addressed the Board with his concerns regarding available parking for customers and tenants on top of the current parking issues that the neighborhood faces and feels that the project will be a burden to existing property owners. He urged the Board at this time to reconsider voting on the rezoning for 111 N. Central Avenue.

Ann Burns, 128 N. Central Avenue, addressed the Board stating that there is not enough parking for the projects and fears that there will be much more encroachment into their neighborhood.

Keith Cramer, 8016 Perhing, addressed the Board stating that he is in favor of the project. It is dynamic and will add to the quality of life attracting young professionals. He feels that with the walkability of downtown and Metro the project will reduce traffic and the need for parking.

Matt Geekie, ASr. Vice-President, Graybar Corporation, addressed the Board stating that this project is what's right for Clayton.

Lee Cannon, CBB, 12400 Olive Boulevard, addressed the Board providing an overview of the traffic and parking study for the project.

With regard to the Board's and staff's questions, Mr. Downs responded as follows:

Formula for 287 spaces – City Manager Owens explained the process.

Fire Safety – the property will be fully “sprinklered”;

Parking Surface Lot – the surface lot will be used for construction staging during construction, but will be completed at the same time as the project.

Mayor Sanger closed the public hearing.

BILL NO. 6499 – AN ORDINANCE TO CONSIDER APPROVING REZONING – 111 N. CENTRAL AVENUE

Alderman Garnholz introduced Bill No. 6499, An Ordinance Providing for the Rezoning of Property at 111 North Central Avenue from R-3 One and Two Family Dwelling District to C-2 General Commercial District, and Providing for the Change in the Zoning Map to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6499, An Ordinance Providing For The Rezoning Of Certain Property Located At 111 North Central Avenue From R-3 One And Two Family Dwelling District To C-2 General Commercial District, And Providing For The Change In The Zoning Map Of The City Of Clayton, Missouri; And Other Actions Related Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6499 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6499, An Ordinance Providing for the Rezoning of Property at 111 North Central Avenue from R-3 One and Two Family Dwelling District to C-2 General Commercial District, and Providing for the Change in the Zoning Map to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6499, An Ordinance Providing For The Rezoning Of Certain Property Located At 111 North Central Avenue From R-3 One And Two Family Dwelling District To C-2 General Commercial District, And Providing For The Change In The Zoning Map Of The City Of Clayton, Missouri; And Other Actions Related Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6372 of the City of Clayton.

BILL NO. 6500 - AN ORDINANCE TO CONSIDER APPROVING A REZONING AND A PLANNED UNIT DEVELOPMENT OPUS DEVELOPMENT - 25 NORTH CENTRAL AVENUE

Alderman Garnholz introduced Bill No. 6500, An Ordinance Providing For The Rezoning Of Property At 25 North Central Avenue From High Density Commercial (HDC) District And CBD Core Overlay District To A Planned Unit Development District And Approving A Development Plan And Providing For The Change In The Zoning Map to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6500, An Ordinance Providing For The Rezoning Of Certain Property Located At 25 North Central Avenue From High Density Commercial (Hdc) District And Cbd

Core Overlay District To A Planned Unit Development District And Approving A Development Plan Therefor, And Providing For The Change In The Zoning Map Of The City Of Clayton, Missouri, And Other Actions Related Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6500 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6500, An Ordinance Providing For The Rezoning Of Property At 25 North Central Avenue From High Density Commercial (HDC) District And CBD Core Overlay District To A Planned Unit Development District And Approving A Development Plan And Providing For The Change In The Zoning Map to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6500, An Ordinance Providing For The Rezoning Of Certain Property Located At 25 North Central Avenue From High Density Commercial (Hdc) District And Cbd Core Overlay District To A Planned Unit Development District And Approving A Development Plan Therefor, And Providing For The Change In The Zoning Map Of The City Of Clayton, Missouri, And Other Actions Related Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6373 of the City of Clayton.

BILL NO. 6501 - AN ORDINANCE TO CONSIDER A SUBDIVISION PLAT 25 NORTH CENTRAL AVENUE

Alderman Garnholz introduced Bill No. 6501, an ordinance to consider approving a subdivision plat for 25 N. Central Avenue to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6501, An Ordinance Providing For The Approval Of A Plat Of Certain Property Generally Located At 25 North Central Avenue In The City Of Clayton, Missouri for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6501 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6501, an ordinance to consider approving a subdivision plat for 25 N. Central Avenue to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6501, An Ordinance Providing For The Approval Of A Plat Of Certain Property Generally Located At 25 North Central Avenue In The City Of Clayton, Missouri for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6374 of the City of Clayton.

BILL NO. 6502 – AN ORDINANCE FOR ESTABLISHING THE 25 NORTH CENTRAL COMMUNITY IMPROVEMENT DISTRICT, DECLARING PROPERTY WITHIN THE DISTRICT AS BLIGHTED AND APPROVING A DEVELOPMENT AGREEMENT

Alderman Garnholz introduced Bill No. 6502, an ordinance to consider a request for the formation of the 25 N. Central Community Improvement District to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6502, An Ordinance Of The City Of Clayton, Missouri, Approving A Petition Requesting The Creation Of The 25 North Central Community Improvement District; Declaring The Property Within Said District To Be A Blighted Area Under The Community Improvement District Act; Establishing The District As A Political Subdivision Of The State Of Missouri; Directing The City Clerk To Notify The Missouri Department Of Economic Development Of The Creation Of The District; Approving A Development Agreement Among The City, The District And Opus Development Company, L.L.C.; Authorizing Certain Actions In Connection Therewith; And Containing A Severability Clause for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6502 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6502, an ordinance to consider a request for the formation of the 25 N. Central Community Improvement District to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6502, An Ordinance Of The City Of Clayton, Missouri, Approving A Petition Requesting The Creation Of The 25 North Central Community Improvement District; Declaring The Property Within Said District To Be A Blighted Area Under The Community Improvement District Act; Establishing The District As A Political Subdivision Of The State Of Missouri; Directing The City Clerk To Notify The Missouri Department Of Economic Development Of The Creation Of The District; Approving A Development Agreement Among The City, The District And Opus Development Company, L.L.C.; Authorizing Certain Actions In Connection Therewith; And Containing A Severability Clause for the second time by title only.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6375 of the City of Clayton.

Alderman Winings rejoined the meeting.

AN ORDINANCE TO CONSIDER APPROVING A 2ND QUARTER AMENDMENT TO THE FISCAL YEAR 2015 BUDGET

Janet Watson reported that the City of Clayton reviews and makes adjustments to its budgeted revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses and to update the Board regarding budgetary issues. As part of the quarterly budget review, staff is presenting for your consideration the second amendment to the Fiscal Year 2015 (FY15) budget. The reductions in this amendment help offset

approximately \$270,000 in safe demonstration costs for this year. As a reminder, the 2nd Quarter Financial Report will be on the following agenda.

ALL FUNDS

	FY 2015 Original Budget	Amendments Previously Approved	FY 2015 2nd Quarter Amendment Requested	FY 2015 Budget After This Amendment	% Change
Beginning Fund Balance	\$88,111,335			\$88,111,335	
Revenues	\$49,958,405	(\$121,230)	\$300,000	\$50,137,175	0.4%
Expenditures	<u>\$54,748,818</u>	<u>\$877,590</u>	<u>\$29,074</u>	<u>\$55,655,482</u>	1.7%
Net Change		(\$998,820)	\$270,926		
Ending Fund Balance	\$83,320,922			\$82,593,028	

General Fund

Revenue – No change

Expenditures – Net Decrease of \$270,926

- Public Works - This savings of \$60,000 in salaries and benefits occurred due to the vacancy of two positions in the Engineering division.
- Events – Changes in planned events will result in a savings of \$38,000 for direct event costs, as well as the necessary overtime to support the events.
- Fire Department Savings – Several areas will result in savings of \$22,726 from the planned budget. These include savings in supplies and commodities that would have been spent if the department had needed to hire new employees; less purchases of fire hose and training equipment were needed; and accreditation fees were less than planned.
- Police Department Savings - This savings of \$57,400 includes salary and benefit savings from two vacant positions, a reduction in training costs and a savings from the reduction in ECDC quarterly charges beginning with the last quarter of this year.
- Information Technology - This savings of \$43,500 includes a reduction in software maintenance due to the timing of new systems, and savings in other projects which came in less than budgeted or will not be purchased this year.
- Finance – This small savings of \$4,300 is due to the ability to locate a free investment tracking tool instead of purchasing one, and a reduction in planned training.
- Parks & Recreation – These savings of \$45,000 include a staff vacancy, reduced normal maintenance and repair on the ice rink which did not include the replacement of compressors, and savings on travel and training due to the timing of planned training which will occur in next fiscal year.

Capital Improvement Fund

Revenue – Net Increase of \$300,000

- The Newman Green Project was approved by the BOA and this project includes a \$100,000 donation from CCF to offset costs of the project. The Shaw Park North Project (Chapman Plaza) was approved by the BOA with a \$200,000 donation from CCF to offset costs of the project in FY15.

Expenditures – Net Increase of \$300,000

- Newman Green Project expenditures were added of \$100,000 which is supported with a CCF donation of the same amount. The Shaw Park North Project (Chapman Plaza) was also approved by the BOA and there will be approximately \$200,000 in project costs in this fiscal year which is fully supported by a donation from CCF.

Recommendation is to approve the attached ordinance adopting an amendment to the FY15 budget with a net effect on the City's fund balances of an increase of \$270,926.

Alderman Garnholz – I introduce Bill No. 6503, an ordinance to consider approving the 2nd Quarter Budget amendment for FY2015 for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe Reads Bill No. 6503, an Ordinance Amending the Fiscal Year 2015 Budget and Appropriating Funds Pursuant Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6503 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz – I introduce Bill No. 6503, an ordinance to consider approving the 2nd Quarter Budget amendment for FY2015 for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe Reads Bill No. 6503, an Ordinance Amending the Fiscal Year 2015 Budget and Appropriating Funds Pursuant Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6376 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A REVISION OF SECTION 605.280, ENTITLED PARADE AND ASSEMBLY PROHIBITIONS

City Manager Owens reported that the proposed ordinance would amend the City's existing parade and assembly regulations to include the addition of Subsections A(11) and (12), which make it unlawful:

- For any person to ride, drive or cause to be ridden any animal drawn vehicle upon any public street as part of a parade or public assembly unless such transportation is specifically authorized by the permit for the event. The purpose is to ensure that the City is aware of the kinds of activities proposed so both police and public works can make appropriate arrangements for contingencies before, during and after the event (e.g. cleanup) and so the police can have appropriate control and respond to any situation and in the event animals might used to block the streets, or otherwise obstruct police and first responders engaged in the performance of their duties. for any person to breach lawfully erected barricades and/or police lines erected in association with a parade or assembly event in order to ensure that the event takes place where and as permitted, that areas cordoned off for specific purposes (demonstrators and counter-demonstrators, for instance) are respected, and to maintain safety and public order.

Recommendation is to approve the proposed ordinance.

Alderman Garnholz introduced Bill No. 6504, an ordinance to amend Section 605.280, Parades and Assemblies to be read for the first time. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6504, an Ordinance Amending Section 605.280 of the Code of Ordinances of the City Of Clayton, Missouri, Relating to Parades and Assemblies for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6504 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6504, an ordinance to amend Section 605.280, Parades and Assemblies to be read for the second time. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6504, an Ordinance Amending Section 605.280 of the Code of Ordinances of the City Of Clayton, Missouri, Relating to Parades and Assemblies for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6377 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A REVISION OF CHAPTER 215, SECTION 215.156, ENTITLED BREACHING BARRICADE OR POLICE LINE

City Manager Owens reported that Chapter 215, of the Code of Ordinances, would be amended to include Section 215.156, entitled Breaching Barricade or Police Line. The purpose of this ordinance is to ensure that people do not enter into a secured area that is being controlled by public safety personnel. There are numerous reasons for establishing a secure perimeter, and this list is not to be considered exhaustive.

Examples would be a crime scene, an accident scene, a fire scene, or to ensure a secure perimeter during protest situations such as were encountered with the Michael Brown Grand Jury decision. Recommendation is to approve the proposed ordinance.

In response to Alderman Garnholz's question regarding the State Statute, City Attorney O'Keefe stated that he believes that this ordinance is more specific than the State Statute.

Alderman Garnholz introduced Bill No. 6505, an ordinance to amend Section 215.156, Breaching Barricades or Police Lines to be read by title for the first time. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6505, an Ordinance Amending Chapter 215 of the Code of Ordinances of the City Of Clayton, Missouri, Relating to Breaching Police Barricades and Police Lines for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6505 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6505, an ordinance to amend Section 215.156, Breaching Barricades or Police Lines to be read by title for the second time. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6505, an Ordinance Amending Chapter 215 of the Code of Ordinances of the City Of Clayton, Missouri, Relating to Breaching Police Barricades and Police Lines for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6378 of the City of Clayton.

Other

Alderman Garnholz commented that the Board retreat was very good. She also congratulated Louis Clayton on being selected to the Executive Board of the American Planning Association.

Alderman Winings reported that Jim Liberman resigned from the Plan Commission due to him relocating to San Francisco. The Plan Commission held a small farewell reception for Mr. Liberman.

Alderman Boulton reported on the Chapman Plaza Steering Committee and that they have good participation.

Alderman Berger complimented Patty DeForrest on her work with the Chapman Plaza public process. He also reported that Ralph Goldsticher, Jr., long time Clayton resident, was recognized in Washington D.C. receiving the medal of French Legion of Honor, Mr. Goldsticker is 93 years old.

Alderman Lintz complimented Aldermen Garnholz and Liberman and Mayor Sanger on a well-ran meeting.

Alderman Berkowitz also complimented the Board on tonight’s meeting.

Mayor Sanger expressed his compliments to the Ward 2 aldermen on a job well done. He also complimented the Parks staff on a good job done with the new recently installed Follman Plaza at Shaw Park.

Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Boulton seconded the motion.

Alderman Garnholz – Aye; Alderman Boulton – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 9:51 p.m.

Mayor

ATTEST:

City Clerk